

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

DON W. LANE,

Plaintiff,

v.

**JACOB J. LEW, Secretary of the
Treasury,**

Defendant.

1:15-cv-1767-WSD-JFK

OPINION AND ORDER

On May 18, 2015, Plaintiff Don W. Lane (“Plaintiff”), proceeding *pro se*, filed his Complaint [1], asserting claims under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, et seq., for race discrimination, sex discrimination, and retaliation. (Compl. ¶¶ 1, 10-11). Plaintiff also asserted claims for unlawful harassment and, under the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 701, et seq., for Defendant Secretary of the Treasury Jacob J. Lew’s (“Defendant”) failure to accommodate his disability. (Compl. ¶¶ 1, 12, 39, 48-50).

On November 10, 2015, Defendant filed his Motion to Dismiss Plaintiff’s Complaint [7] (“Motion to Dismiss”) and, on January 11, 2016, Plaintiff filed his motion for leave to file an amended complaint [9] (“Motion to Amend”).

On April 13, 2016, Magistrate Judge Janet F. King issued her Non-Final

Report and Recommendation [11] (“R&R”), recommending that Defendant’s Motion to Dismiss be granted because Plaintiff’s Complaint violated Rules 8(a)(2) and 10(b) of the Federal Rules of Civil Procedure. Fed. R. Civ. P. 8(a)(2), 10(b). The Magistrate Judge found that Plaintiff’s “vague allegations mixed with legal conclusions make it impossible for the court to determine what claims Plaintiff is attempting to assert and what specific factual allegations support each claim.” (R&R at 8). The Magistrate Judge denied Plaintiff’s Motion to Amend, finding that the proposed amended complaint did “not cure the numerous deficiencies found in the original complaint.” (Id. at 9). The Magistrate Judge recommended that Plaintiff be given leave to file, within twenty-one (21) days, an amended complaint that complies with the Federal Rules of Civil Procedure.

On June 14, 2016, the Court adopted [13] the Magistrate Judge’s R&R, granted Defendant’s Motion to Dismiss, dismissed Plaintiff’s Complaint, and permitted Plaintiff to file, on or before July 5, 2016, an amended complaint that complies with the Federal Rules of Civil Procedure. The Court warned Plaintiff that, “should he fail to file an amended complaint as described, this action may be dismissed.” ([13] at 9). The July 5, 2016, deadline has passed, and Plaintiff has not filed an amended complaint. This action is dismissed without prejudice.

For the foregoing reasons,

IT IS HEREBY ORDERED that this action is **DISMISSED WITHOUT PREJUDICE.**

SO ORDERED this 12th day of July, 2016.



WILLIAM S. DUFFEY, JR.
UNITED STATES DISTRICT JUDGE